

FEB 16 2006

Attorney Docket No: 0339.310US

I hereby certify that this correspondence is being transmitted by facsimile addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at facsimile number (571) 273-8300, on:

FEBRUARY 16, 2006By: 

Sharon M. Fujita

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

S. Christopher Davis, et al.

Examiner: Herbert J. Lilling

Application No.: 10/782,258

Art Unit: 1651

Filed: February 18, 2004

For: ENZYMATIC PROCESSES FOR THE
PRODUCTION OF 4-SUBSTITUTED 3-
HYDROXYBUTYRIC ACID DERIVATIVES
AND VICINAL CYANO, HYDROXY
SUBSTITUTED CARBOXYLIC ACID ESTERS

**RESPONSE TO RESTRICTION
AND ELECTION OF SPECIES
REQUIREMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction and Election of Species Requirement mailed December 16, 2005, the Examiner grouped the claims into Groups I through VII.

Applicants hereby elect the Group VI claims (claims 43-67), which are drawn to a method for producing a vicinal cyano, hydroxy substituted carboxylic acid ester, without traverse.

The Restriction Requirement also states that Applicants are required to elect a single species of A(a) or A(b) or A(c); one species of B(x) or B(y); and one species from C1 or C2 or C3, if appropriate for the elected Invention.

Applicants do not believe that the Species Election Requirement applies to Group VI claims 43-67, which are method claims for producing a vicinal cyano, hydroxy substituted carboxylic acid ester. Therefore, the A, B, and C species groups do not appear appropriate for restriction Group VI.

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A petition for a one month extension of time authorizing the Commissioner to charge the requisite fee pursuant 37 C.F.R. § 1.17 to Deposit Account No. 50-0990 is enclosed. The petition thus effectively extends the period for response from January 16, 2006 to February 16, 2006. The Commissioner is hereby authorized to charge any deficiency in fees to Deposit Account No. 50-0990.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set forth below.

Respectfully submitted,

February 16, 2006

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